

Enio F. Co Zaragoza 093127

v.

Prime care Inc. Employees.

FILED  
HARRISBURG, PA

APR 22 2025

PER

DEPUTY CLERK

## I Jurisdiction & Venue

1. This is a civil action authorized by 42 U.S.C. section 1983 to redress the Deprivation, under color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1343(a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claim for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rules 65 of the Federal Rules of Civil Procedure.

## II Plaintiff;

Enio F. Co Zaragoza #093127 501 Mail Road Harrisburg, PA 17111

III Defendant; Prime Care Inc, Employee's=3940 Locust Ln Harrisburg, PA 17109

IV Facts 14 amendments = Deliberate Indifference arrestee had a serious of medical need that created deliberate Indifference, when they ignore plaintiff for approximately 10 days without medical care from not cleaning the injuries and not giving clean gauze, or gave therapy in a place Dauphin County Prison where they had medical care, thereby violating the clearly established right under 14th amendment to medical care for persons in custody. A failure to intervene to prevent a violation of the right to medical care.



On September, 8, 2022 plaintiff was moved from A-block to M-block, a psychiatry unit, without the bed not having a bed support to get up. I was skipped my pain medication on noon, and I was not seen for almost 10 days from September 8, 2022 until September 19, 2022. I was medically denied care, not once did my wounds were clean or got clean gauce. I was order for therapy, and I was denied all medical needs was only given morning and night pain medication. I was prescribe to take pain medication every 4 hours. On 9, 23-22 I was called to Camp Hill, Clinic for a removal of my staples, I was put on a restriction to avoid lift anything for 6 weeks, then after the 6 weeks I was only allow to lift 25 pounds for the next 3 to 6 months. Before the restriction were lifted, I was placed from L-Block a medical unit to general population E-Block, putting me in harms way from not having support I develop a hernia causing by there unprofessional negligence & 8th amendment cruel & unusual punishment and 14th amendment Deliberate Indifference, deprivation of my Due Process clause by ignoring my medical needs, causing an injury of a development of an Hernia! From September, 8, 2024 until September 11, 2023, I was taken for ultrasound twice and the results were an umbelical hernia. First ultrasound was the left umbelical hernia and second ultrasound was the right umbelical hernia, and the abdomen hernia. I have ask for surgery, because the hernia occur while being a detainee Morales v. Berk's County Prison, 2011 similar situation, I was denied surgery for the reasons being the hernia are not a danger they are small size. Now on April, 1, 2025 the hernia have gotten bigger I have complaint about the pain and size, I requested a hernia surgery, But again, the answer was the hernia are not a deadly threat (quote) Bawcom v. Roades, 2023 U.S. Dist Lexis 13432



- 2) The facts, taken in the light most favorable to the plaintiff demonstrate a constitutional violation (Mowell v. Dep't of Soc. Servs, 436 U.S. 658)
- b) Bartley v. Rinker, 2023 U.S. Dist. Lexis 60252 28 USC § 1331 Part 1 of 3.
- c) Federal question. The district courts shall have original jurisdiction of all action arising under the constitution laws, or treaty of the U.S.
- d) Due to the prolonged deprivation of medical care per the acts and omissions of custody booking and the latter irresponsible or neglecting an operation or surgery (quote) Kyle v. Hewitz, 2024 U.S. Dist. Lexis 228933 a procedure have develop a hernia, than latter on time a second hernia also develop an associated torment for two yrs. which can and will get worse.

Preliminary statement: Contrary to the erroneous orders given from officials to Primecare employee those claims were not challenge to correctional policy. Rather by government.

(Quote) Hamby v. Hammond, 821 F.3d 1085 "Plaintiff received surgery for his umbilical hernia after the district court granted his motions for a preliminary injunction and ordered prison officials to refer him to a surgeon for evaluation and possible surgical treatment. After receiving surgery plaintiff sought damages for the pain he allegedly suffered because of the officials refusal to authorized surgery prior to litigation.

b) I'm seeking a umbilical hernia surgery to avoid it getting bigger.



Plaintiff sues under 42 U.S.C. § 1983, which confers a private federal right of action against any person who, acting under color of state law, deprives an individual of any right, privilege or immunity secured by the Constitutional or federal laws. *Wurzelbacher v. Jones-Kelley*, 675 F.3d 580, 583 (6th Cir. 2012). Thus, to state a cognizable section 1983 claim, Plaintiff must allege (1) a deprivation of rights secured by the Constitution or laws of the United States, and (2) that the deprivation was caused by a person acting under color of state law. *Carl v. Muskegon Cnty*, 763 F.3d 592, 595 (6th Cir. 2014).

(quote) I was denied surgery = *Bawcom v. Roader*, 2023 U.S. Dist Lexis 13432

*Kyle v. Hewitz*, 2024 U.S. Dist, Lexis 228933

- a) From September 8, 2022 until September 13, 2022, there was two ultrasound taken, and the showing of three (3) Hernias which had grown from first ultrasound.
- b) From May 27, 2024 until April 1, 2025 one, ultrasound was taken to see its development and size to be able to order a hernia belt, I was given the belt. But I was deny the ultrasound results of the hernia (quote) *Hamby v. Hammond*, 821 F.3d 1085 = plaintiff, "Enio Zaragoza" have been asking for the umbilical hernia surgery, I been denied, "I have three (3) Hernia in abdomen area, which are getting bigger, as time passes (Quotin Hamby went to a umbilical hernia surgery with just one Hernia I have three (3) hernia.



## "Prayer for Relief"

Wherefore, Plaintiff respectfully prays that this court enter judgment granting plaintiff;

- a) A declaration that the acts and omissions described herein violated plaintiff's right under the constitution and laws of the United States
- b) A preliminary and permanent injunction ordering defendants to;
  - 1) A preliminary and permanent injunction ordering defendants to
  - 2) Compensatory damages in the amount of \$500,000 against each defendant jointly and severally.
  - 3) Punitive damages in the amount of \$500,000 against each defendant and the amount of \$500,000 against defendant
  - 4) A jury trial on all issues triable by jury
  - 5) Plaintiff's cost in the suit \$500,000
  - 6) Any additional relief this court deems just proper, and equitable

Dated: April, 9, 2025

Respectfully

Verification I have read the foregoing complaint and hereby verify that the matter alleged therein are true, except as to matter alleged on information and belief, and as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Enio Zaragon 09/127  
501 Mailed  
Harrisburg, PA. 17111

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United States District Court  
Middle District of PA  
Sylvia H. Rambo U.S. Courthouse  
1501 North 6th Street, Suite 101  
Harrisburg, PA 17102

